

FOURTEENTH DAY—WEDNESDAY, FEBRUARY 8, 1971

The House met at 10:30 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Denton	Jones, G.	Price
Adams	Doran	Jungmichel	Reed
Agnich	Doyle	Kaster	Rosson
Allen, Joe	Dramberger	Kilpatrick	Salem
Allen, John	Earthman	Kost	Salter
Allred	Farenthold	Kubiak	Sanchez
Angly	Finck	Lee	Santiesteban
Atwell	Finnell	Lemmon	Schulle
Atwood	Finney	Lewis	Semos
Baker	Floyd	Ligarde	Shannon
Bass, B.	Foreman	Lombardino	Sherman
Bass, T.	Gammage	Longoria	Short
Beckham	Garcia	McAlister	Silber
Bigham	Golman	McKissack	Simmons
Blanton	Grant	Mengden	Slack
Blythe	Graves	Moncrief	Slider
Bowers	Hale	Moore, A.	Solomon
Boyle	Hanna, Joe	Moore, G.	Spurlock
Braecklein	Hannah, John	Moore, T.	Stewart
Braun	Harding	Moreno	Stroud
Burgess	Harris	Murray	Swanson
Bynum	Hawkins	Nabers	Tarbox
Caldwell	Hawn	Nelms	Traeger
Calhoun	Haynes	Neugent, D.	Truan
Carrillo	Head	Newton	Tupper
Cates	Heatly	Nichols	Uher
Cavness	Hendricks	Niland	Vale
Christian	Hilliard	Nugent, J.	Von Dohlen
Clark	Holmes, T.	Ogg	Ward
Coats	Holmes, Z.	Orr	Wayne
Cobb	Howard	Parker, C.	Wieting
Cole	Hubenak	Parker, W.	Williams
Craddick	Hull	Patterson	Williamson
Cruz	Ingram	Pickens	Wolff
Daniel	Johnson	Poerner	Wyatt
Davis, D.	Jones, D.	Poff	
Davis, H.	Jones, E.	Presnal	

Absent

Clayton	Lovell	Rodriguez	Smith
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A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

MEMBERS OF APPROPRIATIONS COMMITTEE
RECORDED PRESENT

In accordance with a motion adopted on January 25, the following Members of the Appropriations Committee were recorded present and in the Appropriations Committee meeting: Representatives Heatly, Slack, John Allen, Braecklein, Carrillo, Cobb, H. Davis, Doran, Haynes, Hull, Johnson, Longoria, W. Parker, Presnal, Salter, Santiesteban, Slider, Swanson, Tarbox, Ward, and Wolff.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled resolutions:

HCR 18, Inviting Jerry Rangel to address a Joint Session of the Texas Legislature.

HCR 19, In memory of John Ben Shepperd, Jr.

HCR 21, Commending Cato Sells Hightower.

Representatives Clayton and Rodriguez entered the House and were announced present.

HSR 72—ADOPTED

(Commending Judge Truett Smith)

Mr. Short offered the following resolution:

HSR 72

Whereas, A well-known citizen and distinguished member of the judiciary, Judge Truett Smith of Lynn County, recently marked the end of many years of public service to his fellow Texans with his retirement from the bench on January 1 of this year; and

Whereas, Judge Smith was born in Jones County on February 13, 1905, and in 1907 moved to Lynn County, where he attended school at New Home; he later finished high school in Lubbock; and

Whereas, He entered Wayland College in 1925 and transferred to Texas Tech University in 1926, finishing in 1928; and

Whereas, Judge Smith is a man of distinction who has served in many positions of honor; he was elected District and County Clerk of Lynn County in 1928; undertaking the study of law, he passed the Texas bar examination in 1932, and that same year was elected county attorney; he served in this capacity until 1935, when he was appointed district attorney; he was reelected to this office for two more terms totaling five years; he then undertook the

private practice of law for some 19 years, until he was elected District Judge of the 106th Judicial District, which is composed of Garza, Lynn, Dawson, Gaines, Terry, and Yoakum Counties; he served in this capacity for 12 years until his recent retirement; and

Whereas, Not only is this noted citizen recognized as having been one of the most outstanding judges in the state, but he has also exerted much influence in the affairs of government and has served in many other important capacities: he has held the office of Democratic Committeeman for the 19th Congressional District; he has served on the Committees on Unauthorized Practices and Administration of Justice of the State Bar of Texas; he has been the district director for the 19th Congressional District of Texas for the State Bar; he has served on the State Judicial Qualifications Commission, which supervises the qualifications of district and appellate judges of Texas, including judges on the Courts of Civil Appeals, Court of Criminal Appeals, and the Supreme Court; and he now serves as an original trustee of the Texas Tech University School of Law; and

Whereas, He can look with pride on his fine family: he has a devoted wife, the former Lucille Hunt, of Claude, Texas, whom he married on December 27, 1935; a son, who is a Baptist minister in Windermere, Florida; a daughter, Mrs. Charles Hedrick, of Stillwater, Oklahoma; and three grandchildren; and

Whereas, This notable gentleman has dedicated his life in service to the people of Texas and has made many vital contributions in all areas of government; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas commend Judge Truett Smith for his many accomplishments and his distinguished career; and, be it further

Resolved, That copies of this Resolution be prepared, under the official Seal of the House, for Judge Smith and the members of his family as a token of high esteem of Members of this House for him and an expression of appreciation for his service to Texas and Texans.

The resolution was read and unanimously adopted.

On motion of Mr. Presnal the names of all the Members of the House were added to the resolution as signers thereof.

MESSAGE FROM THE GOVERNOR

Austin, Texas
February 3, 1971

To the Members of the 62nd Legislature, Regular Session:

Pursuant to the provisions of Section 5 of Article III of the Constitution of the State of Texas, and in compliance with House Rule XIX, Sec. 30, I herewith submit as an emergency matter the following:

A bill incorporating therein the subject matter, in whole or in part, of the House Appropriations Committee Substitute for HB 213.

Respectfully submitted,
PRESTON SMITH
Governor of Texas

VOTE RECORDED

By unanimous consent of the House, Mr. Salter was granted permission to be recorded as voting Yea on the passage of SJR 5 on February 2, 1971.

HSR 73—ADOPTED

(Commending Captain A. Y. Allee, Sr.)

Mr. Poerner offered the following resolution:

HSR 73

Whereas, On September 30, 1970, the almost legendary Captain Alfred Young Allee, Sr., retired from the Texas Rangers and ended a distinguished career spanning 39 years as a courageous Texas lawman; and

Whereas, During most of Captain Allee's tenure as a Texas Ranger, he was stationed in the southern part of Texas where he patrolled the Mexican border and apprehended cattle thieves, murderers, robbers, and lawbreakers of all types; and

Whereas, He has been described as fearless, courageous, honest, kind, intelligent, and feared by those who break the law; since July 20, 1947, he has served with the rank of Captain; and

Whereas, A. Y. Allee was born on September 14, 1905, in Encinal; 25 years later, following service as a peace officer in Bee County, he was enlisted in the Texas Rangers by Sergeant J. T. Laughlin of the Rangers' Company C; upon reenlistment, he was assigned to Company D under Captain Bill McMurrey; and

Whereas, It would be virtually impossible to describe the many famous cases that Captain Allee has worked on or the many times he has faced death while carrying out his duties as a Ranger; he is well-known for his fearlessness, and it was once said that "he would charge hell with a teaspoonful of water"; and

Whereas, Captain Allee's father and the grandfather for whom he was named both served with the Texas Rangers without compensation; as interested citizens, they were commissioned and worked with the regular Rangers when called upon; still carrying on the remarkable family tradition is Captain Allee's son, A. Y. Allee, Jr., also a Ranger; and

Whereas, With four generations of devoted service in the unique traditions of the Texas Rangers, the Allee family has watched and participated as the Rangers developed into the modern crime fighting force of today, with major contributions being made to this end by Captain A. Y. Allee, Sr.; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature join many Texans throughout the state in recognizing the outstanding ability and courage of Captain A. Y. Allee during his 39 years of service as a loyal and distinguished member of the illustrious Texas Rangers; and, be it further

Resolved, That the House of Representatives hereby commend Captain

Allee for the dedication to law enforcement that has gained national and international acclaim for the Texas Rangers as one of the outstanding forces for law and order in Texas and the nation; and, be it further

Resolved, That official copies of this Resolution be prepared for Captain A. Y. Allee, Sr., with the respect and admiration of the House of Representatives of the State of Texas and in all good wishes for the enjoyment of his retirement.

Signed: Poerner and Doran

The resolution was read and was adopted.

VOTES RECORDED

Mr. Truan and Mr. Rodriguez requested to be recorded as voting No on the adoption of HSR 73.

MESSAGE FROM THE SENATE

Austin, Texas, February 2, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 15, By McKool: Granting permission for private schools to become members of the University Interscholastic League.

SCR 16, By Watson: In memory of Allan Pershing Brandes, Sr.

SCR 17, By Herring: Commending KLRN-TV.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representative Smith entered the House and was announced present.

HSR 73—VOTE RECONSIDERED

Mr. Doran moved to reconsider the vote by which HSR 73 was adopted.

A record vote was requested on the motion to reconsider the vote by which HSR 73 was adopted.

The motion to reconsider prevailed by the following vote:

Yeas—81

Agnich	Davis, D.	Jungmichel	Shannon
Allen, John	Davis, H.	Kost	Sherman
Atwell	Doran	Lee	Short
Atwood	Dramberger	Lewis	Simmons
Baker	Earthman	Lombardino	Solomon
Bigham	Finnell	McAlister	Spurlock
Blanton	Finney	Moncrief	Swanson
Blythe	Foreman	Moore, G.	Tarbox
Bowers	Hanna, Joe	Murray	Traeger
Braecklein	Harding	Nabers	Tupper
Burgess	Hawkins	Newton	Uher
Bynum	Hawn	Parker, W.	Von Dohlen
Calhoun	Head	Patterson	Ward
Cates	Heatly	Pickens	Wayne
Cavness	Hilliard	Poerner	Wieting
Christian	Holmes, T.	Poff	Williams
Clayton	Howard	Presnal	Williamson
Coats	Hubenak	Rosson	Wyatt
Cobb	Hull	Salter	
Cole	Jones, E.	Schulle	
Craddick	Jones, G.	Semos	

Nays—49

Adams	Doyle	Kilpatrick	Rodriguez
Allen, Joe	Farenthold	Kubiak	Salem
Allred	Finck	Ligarde	Sanchez
Bass, T.	Gammage	Longoria	Santiesteban
Beckham	Golman	Mengden	Silber
Boyle	Grant	Moore, A.	Smith
Braun	Graves	Moore, T.	Stroud
Caldwell	Hannah, John	Moreno	Truan
Carrillo	Harris	Nelms	Vale
Clark	Hendricks	Nichols	Wolff
Cruz	Ingram	Nugent, J.	
Daniel	Johnson	Parker, C.	
Denton	Kaster	Reed	

Absent

Angly	Haynes	McKissack	Price
Bass, B.	Holmes, Z.	Neugent, D.	Slack
Floyd	Jones, D.	Niland	Slider
Garcia	Lemmon	Ogg	Stewart
Hale	Lovell	Orr	

REASON FOR VOTE ON HSR 73

I intended to vote Yes on the motion to reconsider the vote by which HSR 73 was adopted, however, I inadvertently pushed the No button by mistake, and was unable to clear the voting machine.

Signed: Walter Mengde

HSR 73—(Consideration continued)

A record vote was requested on adoption of HSR 73.

HSR 73 was adopted by the following vote:

Yeas—112

Agnich	Davis, D.	Jones, E.	Poff
Allen, John	Davis, H.	Jones, G.	Presnal
Allred	Denton	Jungmichel	Price
Atwell	Doran	Kilpatrick	Rosson
Atwood	Doyle	Kost	Salter
Baker	Dramberger	Kubiak	Schulle
Bass, B.	Earthman	Lee	Semos
Bass, T.	Finck	Lemmon	Shannon
Beckham	Finnell	Lewis	Sherman
Bigham	Floyd	Lombardino	Short
Blanton	Foreman	McAlister	Silber
Blythe	Garcia	McKissack	Simmons
Bowers	Golman	Mengden	Slack
Boyle	Grant	Moncrief	Solomon
Braecklein	Hanna, Joe	Moore, A.	Spurlock
Burgess	Harding	Moore, G.	Swanson
Bynum	Hawkins	Moore, T.	Tarbox
Caldwell	Hawn	Murray	Traeger
Calhoun	Head	Nabers	Tupper
Cates	Heatly	Neugent, D.	Uher
Cavness	Hendricks	Newton	Von Dohlen
Christian	Hilliard	Niland	Ward
Clayton	Holmes, T.	Nugent, J.	Wayne
Coats	Howard	Orr	Wieting
Cobb	Hubenak	Parker, W.	Williams
Cole	Hull	Patterson	Williamson
Craddick	Ingram	Pickens	Wolff
Daniel	Jones, D.	Poerner	Wyatt

Nays—21

Adams	Harris	Nelms	Santiesteban
Clark	Johnson	Nichols	Truan
Cruz	Kaster	Parker, C.	Vale
Farenthold	Ligarde	Rodriguez	
Graves	Longoria	Salem	
Hale	Moreno	Sanchez	

Present—Not Voting

Reed

Absent

Allen, Joe	Finney	Holmes, Z.	Smith
Angly	Gammage	Lovell	Stewart
Braun	Hannah, John	Ogg	Stroud
Carrillo	Haynes	Slider	

Mr. Poerner moved to reconsider the vote by which HSR 73 was adopted and to table the motion to reconsider.

The motion to table prevailed.

EXPLANATION FOR REVOTE FOR HSR 73

February 3, 1971

"My explanation for a present vote on HSR 73 relates to the obvious reason for which this resolution was presented at this particular time, rather than objection as to the contents of this resolution.

Without question, this resolution was presented as a reaction to HSR 69, by Moreno, Cruz, and Truan, commending Caesar Chavez. It would seem far more appropriate that the House should commend all law enforcement officials who are going about the oftentimes thankless job of protecting the lives and property of all the public and maintaining the peace, than to single out one official whose name invokes needless controversy."

Signed: Dick Reed

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions were today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By John Hannah, Z. Holmes, Truan, Hendricks, Grant, Lombardino, Denton, Tupper, Swanson, Haynes, Salem, Williams, Santiesteban, Harris, Nelms, T. Bass, Dramberger, C. Parker, B. Bass, Cruz, Vale, Rodriguez, Ogg, Kilpatrick, Bigham, Head, Nichols, Daniel, Kubiak, Gammage, Graves, Moreno, Clark, Allred, Beckham, Braun, Murray, Sanchez, Johnson, Reed, Atwood, Longoria, Lewis, Ligarde, Stewart, Joe Allen, Blanton, Caldwell, Farenthold, G. Moore, Carrillo, Stroud, Doyle, and Lovell:

HJR 26, A Joint Resolution proposing an Amendment to Article VIII, Section 1-b, of the Texas Constitution, to provide an exemption of \$3,000 of the value of residence homesteads of all persons 65 years of age or older from all ad valorem taxes levied by any county, city, town, school district, or other political subdivision or instrumentality of the state.

By Clayton:

HJR 27, A Joint Resolution proposing an Amendment to Article III of the Constitution of the State of Texas, by adding a Section 49-f, to provide for the issuance and sale of general obligation bonds of the state, to be known as "Texas Clean Waters Bonds," in an amount not to exceed \$100 million for the purpose of aiding and making funds available to the various political subdivisions, bodies corporate and politic, and districts of the state to provide clean waters for Texas.

By Hubenak:

HJR 28, A Joint Resolution proposing a Constitutional Amendment to exempt personal automobiles from property taxes.

By Clayton:

HJR 29, A Joint Resolution proposing Amendments to Sections 33 and 40, Article XVI, Constitution of the State of Texas, to exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Clayton:

HB 343, A bill to be entitled An Act adopting the Water Code, a formal revision of the general and permanent statutes relating to water rights, water development, water quality control, river compacts, and general law districts; repealing the statutes replaced by the Code; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Joe Allen:

HB 344, A bill to be entitled An Act relating to interference with the rights of the public to have access to, and to use and enjoy, public waters; providing a penalty; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Joe Allen:

HB 345, A bill to be entitled An Act relating to rights in underground water; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Orr:

HB 346, A bill to be entitled An Act providing for standard forms for applications, questionnaires, and other forms used in connection with the application for or the issuance of insurance policies; amending the Texas Insurance Code by adding Article 21.35-1; and declaring an emergency.

Referred to Committee on Insurance.

By Clark, Swanson, Joe Allen, Jungmichel, Daniel, Williams, Nelms, Gamage, Braun, T. Bass, Ogg, Nichols, Lovell, Blythe, Bowers, Mengden, Earthman, Graves, Lemmon, E. Jones, and Cruz:

HB 347, A bill to be entitled An Act changing the name of the Harris County Houston Ship Channel Navigation District of Harris County, Texas, to the Port of Houston Authority of Harris County, Texas; changing the name of its board of navigation and canal commissioners to the port commission and changing the title of the members thereof to port commissioners; changing the title of the general manager to executive director; amending Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, as amended, by adding a Section 5A; and declaring an emergency.

Referred to Committee to Conservation and Reclamation.

By Clark, Swanson, Joe Allen, Jungmichel, Daniel, Williams, Nelms, Gamage, Braun, T. Bass, Ogg, Nichols, Lovell, Blythe, Bowers, Mengden, Earthman, Graves, Lemmon, E. Jones, and Cruz:

HB 348, A bill to be entitled An Act authorizing the Harris County Hous-

ton Ship Channel Navigation District of Harris County, Texas, to provide for the prevention, detection, control, and fighting of fires and explosions on and adjacent to waterways, channels and turning basins within its jurisdiction; to promulgate and enforce ordinances, rules, and regulations therefor; providing that such functions may be exercised both within and without corporate boundaries; authorizing the District to acquire, purchase, construct, enlarge, extend, repair, maintain, operate, or develop traffic control facilities for the District; amending Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, as amended; making legislative findings; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By G. Jones:

HB 349, A bill to be entitled An Act relating to payment of workmen's compensation claims awarded an employee prior to a determination of liability in certain cases; amending Article 8307, Revised Civil Statutes of Texas, 1925, as amended by adding Section 5c; and declaring an emergency.

Referred to Committee on Insurance.

By Nichols, Braun, Nelms, Harris, and Graves:

HB 350, A bill to be entitled An Act amending Paragraph (5), Subsection (g), Section 19, Chapter 482, Acts of the 44th Legislature, 3rd Called Session, 1936, as amended (Article 5221b-17, Vernon's Texas Civil Statutes), relating to exclusions from the definition of "employment" under the Texas Unemployment Compensation Act; and declaring an emergency.

Referred to Committee on State Affairs.

By Salter:

HB 351, A bill to be entitled An Act authorizing school districts to contract with other school districts or with public or private postsecondary educational institutions and trade and technical schools to provide vocational classes; amending Subchapter D, Chapter 21, Texas Education Code, by adding Section 21.1111; and declaring an emergency.

Referred to Committee on Public Education.

By Caldwell and Hubenak:

HB 352, A bill to be entitled An Act relating to the salary of the judge of the Brazoria County Court of Domestic Relations; amending Section 2, Chapter 307, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-19, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Swanson, Ogg, and Lemmon:

HB 353, A bill to be entitled An Act enabling county commissioners courts to supplement the compensation of Justices of the Courts of Civil Appeals from county funds; and providing expressly that such compensation shall be in addition to the amounts paid to the Justices by the state; and declaring an emergency.

Referred to Committee on Counties.

By Swanson, Ogg, and Lemmon:

HB 354, A bill to be entitled An Act relating to the conveyance and re-conveyance of development rights in land utilized for outdoor recreational or park purposes, the execution and release of a covenant limiting the use of land for those purposes, the powers and duties of parties to the conveyance or covenant, and the basis of assessment for tax purposes of the land after the conveyance or covenant; and declaring an emergency.

Referred to Committee on Judiciary.

By Swanson, Ogg, and Lemmon:

HB 355, A bill to be entitled An Act creating the Gulf Coast Mass Transit Authority for the purpose of establishing a mass transit system in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties; prescribing the organization, rights, powers, authority and duties of the Authority; authorizing the Authority to fix rates and establish routes for its service; empowering the Authority to approve plats and require dedications prior to development of property within the Authority; authorizing the enactment and enforcement of police ordinances; providing for condemnation of property of other public agencies; protecting the interests of employees of transportation systems acquired by the Authority; exempting the operations and assets of the Authority from taxation by State and local governments; authorizing the Authority to issue notes, bonds, deeds of trust, equipment trust certificates and other evidences of indebtedness secured by taxes, revenues, or a combination of taxes and revenues; providing procedures for the creation of Special Service Districts; providing procedures for the levy and collection of taxes for the purposes of the Authority; containing other provisions; providing a severability clause; and declaring an emergency.

Referred to Committee on State Affairs.

By Ogg, Swanson, Cruz, Williams, Nelms, Gammage, Lemmon, Joe Allen, and T. Bass:

HB 356, A bill to be entitled An Act providing for the compensation to district attorneys in certain counties, prohibiting their engaging in the private practice of law; and declaring an emergency.

Referred to Committee on Counties.

By Johnson:

HB 357, A bill to be entitled An Act repealing Article 191, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Hendricks:

HB 358, A bill to be entitled An Act relating to the creation of the 199th Judicial District composed of Collin County; amending Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judicial Districts.

By Cobb:

HB 359, A bill to be entitled An Act amending Article 21.24, Code of Criminal Procedure, 1965, providing for the joinder of two or more offenses in the same indictment, information, or complaint; providing for the joinder of two or more defendants in the same indictment, information, or complaint; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Braun, Graves, Harris, Agnich, Nichols, Vale, and Rodriguez:

HB 360, A bill to be entitled An Act relating to the authority of counties to set water quality standards which are as stringent or more stringent than the standards set by the Texas Water Quality Board; amending Section 3.14, Subchapter C, and adding Section 5.06 to Subchapter E, the Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Braun, Vale, Rodriguez, Nichols, Harris, Graves, and Agnich:

HB 361, A bill to be entitled An Act relating to the authority of counties to set standards for air pollution which are as stringent or more stringent than those set by the Texas Air Control Board; amending to add Section 5.06 to Subchapter E, Texas Clean Air Act, as amended (Article 4477-5 Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Truan, Santiesteban, Allred, Graves, Z. Holmes, Farenthold, Carrillo, Clark, Gammage, Nelms, Ligarde, T. Moore, Haynes, Harris, Nichols, Moreno, and Braun:

HB 362, A bill to be entitled An Act relating to the rights, duties, and remedies of landlords and tenants; repealing Articles 5222, 5223, 5224, 5225, 5226, 5227, 5232, 5236, 5237, 5238, and 5239, Revised Civil Statutes of Texas, 1925, as amended; and Chapter 525, Acts of the 60th Legislature, Regular Session, 1967 (Article 5236a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By John Hannah:

HB 363, A bill to be entitled An Act relating to the creation of the County Court at Law of Angelina County; providing an effective date; providing for the appointment of the initial judge of the court; and declaring an emergency.

Referred to Committee on Counties.

By Ogg, Swanson, Boyle, Orr, Semos, Lemmon, Gammage, Joe Allen, Hull, T. Bass, Hubenak, Simmons, Cruz, Nelms, Williams, Wolff, Moreno, and Clark:

HB 364, A bill to be entitled An Act relating to optional coverage of certain state and district officers within the Texas County and District Retirement

ment System; amending Subsection 6 of Section 2 and Subsection 1 of Section 3, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967 (Article 6228g, Vernon's Texas Civil Statutes), and adding a Section 11A; and declaring an emergency.

Referred to Committee on Counties.

By Graves, Nichols, Braun, Cruz, Gammage, Williams, Nelms, Clark, Joe Allen, and T. Bass:

HB 365, A bill to be entitled An Act relating to the election of school trustees in certain independent school districts; amending Sections 2, 3, and 4, Chapter 339, Acts of the 52nd Legislature, 1951, as amended (Article 2774b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Elections.

By Allred:

HB 366, A bill to be entitled An Act relating to the appointment, powers, duties, and qualifications of certain reserve law enforcement officers; amending Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413 (29aa), Vernon's Texas Civil Statutes), by adding Section 2A; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Cavness and Jungmichel:

HB 367, A bill to be entitled An Act amending Chapter 5, Subchapter A of the Insurance Code of Texas, Chapter 491 Acts of the 52nd Legislature, as amended; providing a complete competitive rating system for private passenger automobiles as defined by adding a new Article to be known as Article 5.12-1 providing a system for making rates, regulating of such rates by the State Board of Insurance and standards and procedure for same; providing for reporting of statistical information and the use of same; providing for rates to be altered and changed; providing that insurers may not agree to adhere to any rate; providing for rating organizations; providing for hearings and appeals for aggrieved parties; providing that the State Board of Insurance may not promulgate private passenger rates but may publish the rate indications; providing an effective date for this Act; providing for repeal of all laws and parts of laws in conflict; providing for the severability of provisions; and declaring an emergency.

Referred to Committee on Insurance.

By Swanson, Clark, and Ogg:

HB 368, A bill to be entitled An Act changing the method of selection of the Fireman's Pension Commissioner; providing for appeal to a district court of any order of the Board of Trustees of the Fireman's Relief and Retirement Fund in certain cities; amending Section 19 and adding Section 18A to Chapter 125, Acts of the 45th Legislature, Regular Session, 1937 (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

HB 43 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 43, Relating to the tuition fee charged nonresident students enrolled at state-supported institutions of higher education and to the classification of certain students as residents and nonresidents.

The bill was read third time.

Mr. Cobb offered the following amendment to HB 43:

Amend HB 43 by adding a new subdivision (13) to the quoted Subsection (a), to read as follows:

"(13) If a state-supported institution of higher education offers a semester, term, or session of different duration than any described in this subsection, tuition and registration fees shall be the same as is provided for the semester, term, or session described in this subsection which is most nearly similar in terms of the number of credit hours of work which can be earned."

The amendment was adopted without objection.

Mr. Tom Bass offered the following amendment to HB 43:

Amend HB 43 by adding a new subdivision appropriately numbered to subsection (a) to read as follows:

"Those nonresident students who have 60 semester hours credit and are enrolled in any institution covered by this section at the time this law takes effect shall continue to pay tuition at the rate they paid at the semester just prior to the effective date of this law.

This exception will apply only to those students who make continuous satisfactory progress towards a degree."

The amendment was adopted without objection.

Mr. Angly offered the following amendment to HB 43:

Amend HB 43 by renumbering Section 2 as Section 3 and inserting a new Section 2 to read as follows:

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

The amendment was adopted without objection.

Mr. Pickens offered the following amendment to HB 43:

Amend HB 43 as engrossed, Section 1 (11), by deleting same and adding a new section to read as follows:

"(11) Tuition for nonresident students registered in a Medical or Dental Branch, School or College, per semester or its equivalent, is Seven Hundred Dollars (\$700)."

The amendment was adopted without objection.

A record vote was requested on final passage of HB 43.

HB 43 was passed by the following vote:

Yeas—124

Adams	Doran	Jones, G.	Price
Agnich	Doyle	Jungmichel	Reed
Allen, John	Dramberger	Kaster	Rosson
Allred	Earthman	Kilpatrick	Salem
Angly	Finck	Kost	Salter
Atwell	Finnell	Kubiak	Sanchez
Atwood	Finney	Lee	Schulle
Baker	Floyd	Lemmon	Semos
Bass, B.	Foreman	Lewis	Shannon
Bass, T.	Garcia	Lombardino	Sherman
Beckham	Golman	Longoria	Short
Blanton	Grant	McAlister	Silber
Blythe	Hale	McKissack	Simmons
Bowers	Hanna, Joe	Mengden	Slack
Boyle	Harding	Moncrief	Solomon
Braecklein	Hawkins	Moore, A.	Spurlock
Burgess	Hawn	Moore, G.	Stewart
Bynum	Haynes	Murray	Stroud
Calhoun	Head	Nabers	Swanson
Cates	Heatly	Nelms	Tarbox
Cavness	Hendricks	Neugent, D.	Traeger
Christian	Hilliard	Newton	Truan
Clayton	Holmes, T.	Nugent, J.	Uher
Coats	Holmes, Z.	Ogg	Von Dohlen
Cobb	Howard	Orr	Ward
Cole	Hubenak	Parker, C.	Wayne
Craddick	Hull	Parker, W.	Wieting
Daniel	Ingram	Pickens	Williams
Davis, D.	Johnson	Poerner	Williamson
Davis, H.	Jones, D.	Poff	Wolff
Denton	Jones, E.	Presnal	Wyatt

Nays—21

Allen, Joe	Cruz	Moore, T.	Santiesteban
Bigham	Farenthold	Moreno	Tupper
Braun	Gammage	Nichols	Vale
Caldwell	Hannah, John	Niland	
Carrillo	Harris	Patterson	
Clark	Ligarde	Rodriguez	

Absent

Graves	Lovell	Slider	Smith
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Mr. Harold Davis moved to reconsider the vote by which HB 43 was passed and to table the motion to reconsider.

The motion to table prevailed.

HJR 15 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

HJR 15, Proposing an Amendment to the Constitution providing for the issuance of bonds not to exceed \$450,000,000 for the benefit of the available school fund.

The resolution was read second time on yesterday and further consideration was postponed until 11:30 a.m. today.

An amendment by Mr. Atwell to HJR 15 is pending.

Mr. Atwell offered the following amendment to the pending amendment:

Amend Amendment No. 1 to HJR 15 as follows:

(1) On page 1, lines 50-52, substitute "available school fund" for "Foundation School Fund or, to the extent provided by law, another fund or funds established for the support of the public free schools of the state."

(2) On page 2, lines 2-3, substitute "available school fund" for "Foundation School Fund, or other fund or funds referred to above,".

(3) On page 2, line 46, substitute "available school fund" for "foundation school fund".

The amendment was adopted without objection.

The pending amendment, as amended, was adopted.

HJR 15, as amended, failed to pass to engrossment by the following vote:

Yeas—22

Atwell	Harding	Lombardino	Santiesteban
Bynum	Hawkins	McAlister	Shannon
Dramberger	Heatly	McKissack	Smith
Finck	Holmes, T.	Moreno	Truan
Golman	Jones, D.	Pickens	
Grant	Kost	Sanchez	

Nays—125

Adams	Blythe	Clayton	Farenthold
Agnich	Bowers	Coats	Finnell
Allen, Joe	Boyle	Cobb	Finney
Allen, John	Braecklein	Cole	Floyd
Allred	Braun	Craddick	Foreman
Angly	Burgess	Cruz	Gammage
Atwood	Caldwell	Daniel	Garcia
Baker	Calhoun	Davis, D.	Graves
Bass, B.	Carrillo	Davis, H.	Hale
Bass, T.	Cates	Denton	Hanna, Joe
Beckham	Cavness	Doran	Hannah, John
Bigham	Christian	Doyle	Harris
Blanton	Clark	Earthman	Hawn

Haynes	Ligarde	Patterson	Stewart
Head	Longoria	Poerner	Stroud
Hendricks	Mengden	Poff	Swanson
Hilliard	Moncrief	Presnal	Tarbox
Holmes, Z.	Moore, A.	Price	Traeger
Howard	Moore, G.	Reed	Tupper
Hubenak	Moore, T.	Rodriguez	Uher
Hull	Murray	Rosson	Vale
Ingram	Nabers	Salem	Von Dohlen
Johnson	Nelms	Salter	Ward
Jones, E.	Neugent, D.	Schulle	Wayne
Jones, G.	Newton	Semos	Wieting
Jungmichel	Nichols	Sherman	Williams
Kaster	Niland	Short	Williamson
Kilpatrick	Nugent, J.	Silber	Wolff
Kubiak	Ogg	Simmons	Wyatt
Lee	Orr	Slack	
Lemmon	Parker, C.	Solomon	
Lewis	Parker, W.	Spurlock	

Absent

Lovell Slider

Mr. Slack moved to reconsider and spread on the Journal the vote by which HJR 15 failed to pass to engrossment.

The motion prevailed without objection.

HB 213 ON SECOND READING

Mr. Heatly moved that all necessary rules be suspended to take up and consider at this time HB 213.

The motion prevailed.

VOTE RECORDED

Mr. Williamson requested to be recorded as voting Nay on the motion to suspend all necessary rules to take up and consider HB 213.

HB 213—(Consideration continued)

The Speaker laid before the House on its second reading and passage to engrossment,

HB 213, A bill to be entitled An Act making supplemental allocations and appropriations to the State Department of Public Welfare, and authorizing the transfer of funds; repealing the limitations contained in the appropriations to the Texas Department of Public Safety in House Bill No. 2, 61st Legislature, 2nd Called Session, 1969, of the amount of money in the Motor Vehicle Inspection Fund available for funding and financing the appropriations to the Texas Department of Public Safety and making other provisions relating thereto; reducing the appropriation from the State Highway Fund for financing the Texas Department of Public Safety, and making other provisions relating thereto; reappropriating unexpended balances of appropriations, previously made, authoriz-

ing the transfer of funds and making other provisions relating thereto; requiring the Governor's approval of certain disbursements; providing a severability clause; and declaring an emergency.

The bill was read second time.

Mr. Heatly offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 213 by striking out all below the enacting clause and inserting in lieu thereof the following:

"ARTICLE I

Section 1. There is hereby appropriated out of the General Revenue Fund in the State Treasury to the State Department of Public Welfare for the fiscal year ending August 31, 1971, for personal services, classified personnel, travel and other expenses incident to operation of the State Department of Public Welfare the sum of Six Hundred Twenty-five Thousand, Seven Hundred Eight Dollars (\$625,708.00). The State Department of Public Welfare is authorized to expend such funds in accordance with this Article and the provisions of the Departmental Appropriation Act, not in conflict herewith (being House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969).

Upon written authorization of the State Department of Public Welfare, the State Comptroller is hereby directed to transfer such funds into the State Department of Public Welfare Administration Operating Fund (including, but not limited to, grants, earnings, refunds and reimbursements).

Sec. 2. Notwithstanding any specific allocation of such funds and the appropriation of such funds as contained in House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969, and Article III, Section 51-a of the Constitution of the State of Texas, an additional sum in the amount of Three Million Dollars (\$3,000,000.00) is hereby allocated and transferred out of the Omnibus Tax Clearance Fund, and credited to the special fund in the Treasury known as the Children's Assistance Fund, and such additional sum is appropriated to the State Department of Public Welfare out of the Children's Assistance Fund. Upon written authorization of the State Department of Public Welfare, the State Comptroller is hereby directed to transfer such sum from the Children's Assistance Fund to the Department of Public Welfare Assistance Operating Fund for the purpose of providing assistance and such other services as may be required by law to needy individuals who meet the eligibility requirements for Aid to Families With Dependent Children. The State Department of Public Welfare is authorized to pay grants out of said funds transferred and appropriated herein so as to provide assistance to the greatest extent possible within the scope of Federal and State Laws, within the limitations of the Texas Constitution and within the limitations of the total appropriated funds.

Sec. 3. In addition to the amounts appropriated in the Departmental Appropriation Act (being House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969) for the fiscal year ending August 31, 1971, there is hereby allocated and transferred out of the Omnibus Tax

Clearance Fund, and credited to the special fund in the Treasury known as the Medical Assistance Fund the sum of Twenty-nine Million, Eight Hundred Sixty-seven Thousand, Nine Hundred Forty-seven Dollars (\$29,867,947), and such additional sum is appropriated to the State Department of Public Welfare out of the Medical Assistance Fund for Medical Assistance.

In addition to the amounts appropriated in the Departmental Appropriation Act (being House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969) for the fiscal year ending August 31, 1971, and in addition to the allocation and appropriation authorized in the above paragraph, there is hereby allocated and transferred out of the Omnibus Tax Clearance Fund, and credited to the special fund in the Treasury known as the Medical Assistance Fund the sum of One Million, Four Hundred Forty-five Thousand, Three Hundred Eighty-four Dollars (\$1,445,384.00), and such additional sum is appropriated to the State Department of Public Welfare out of the Medical Assistance Fund for Medical Assistance for patients in State hospitals and special schools.

For the purpose of paying the appropriations out of the Medical Assistance Fund as authorized herein, the State Comptroller, after appropriate allocations, transfers and credits to and from the various funds involved, is hereby authorized to transfer funds appropriated herein between the two (2) Medical Items specified hereinabove for the operation of the Medical Assistance Program of the State Department of Public Welfare and for Medical Assistance for patients in state hospitals and special schools, and all other current revenues (including but not limited to grants, earnings, allotments, refunds and reimbursements) and balances on hand, such amounts as are designated and authorized by the Department of Public Welfare, and shall transfer funds between the two (2) Medical Items specified herein such amounts as are designated and authorized by the Department of Public Welfare. Funds appropriated under these Items are all Medical Assistance Funds and matchable by Federal funds under the Medical Assistance provisions of the Social Security Act. The transfer of funds between these two appropriation items for Medical Assistance is authorized so as to enable the State Department of Public Welfare to use the state appropriated funds to the best advantage to obtain Federal matching and to further assure equitable distribution of funds where necessary to maintain the program.

Upon written authorization of the State Department of Public Welfare, the State Comptroller is hereby directed to transfer such sums from the Medical Assistance Fund to the Department of Public Welfare Assistance Operating Fund for the purpose of providing Medical Assistance as may be required by law for needy individuals who meet the eligibility requirements for Medical Assistance and for the purpose of providing Medical Assistance for patients in state hospitals and special schools. The State Department of Public Welfare is authorized to pay Medical Assistance out of said funds transferred and appropriated herein, so as to provide Medical Assistance to the greatest extent possible within the scope of Federal and State laws, within the limitations of the Texas Constitution and within the limitations of the total appropriated funds.

Sec. 4. The funds herein appropriated in this Article are in addition to any and all funds appropriated to the State Department of Public Welfare for this period of time for these purposes.

Sec. 5. The supplemental appropriations for the fiscal year ending August 31, 1971 made herein and the authority granted herein for the transfer of funds shall be effective immediately upon passage of this Act.

ARTICLE II

Section 1. The limitations contained in the appropriations to the Texas Department of Public Safety in HB 2, 61st Legislature, 2nd Called Session, 1969, of the amount of money in the Motor Vehicle Inspection Fund available for financing and funding the appropriations to the Texas Department of Public Safety is hereby repealed. From and after the effective date of this Act, all revenues, receipts and balances on hand in the Motor Vehicle Inspection Fund may be expended for the purposes and within the total amounts specified for each item contained in the appropriations to the Texas Department of Public Safety in HB 2, 61st Legislature, 2nd Called Session, 1969, Items 1 through 14, inclusive. Provisions of this Section shall expire on August 31, 1971.

Sec. 2. Upon the effective date of this Act, the funds appropriated from the State Highway Fund for financing the Texas Department of Public Safety as contained in HB 2, 61st Legislature, 2nd Called Session, 1969, for the fiscal year ending August 31, 1971 is hereby reduced to Twenty Million Fifty-three Thousand Two Hundred Fifty-four Dollars (\$20,053,254). Provisions of this section shall expire on August 31, 1971.

ARTICLE III

Section 1. Notwithstanding any specific allocation of such funds and the appropriation of such funds as contained in HB 2, Acts of the 61st Legislature, 2nd C.S., 1969, the State Comptroller of Public Accounts is hereby directed to transfer any unencumbered balances in the appropriation to the State Comptroller contained in Item 16 of the appropriation for the fiscal year ending August 31, 1970, not to exceed the sum of \$50,000.00, to the appropriation to the State Comptroller's office for the fiscal year ending August 31, 1971.

Sec. 2. The moneys authorized to be transferred by Section 1 of this Article are hereby appropriated to the State Comptroller's office for the fiscal year ending August 31, 1971, to be expended for consumable supplies and materials, current and recurring operating expense and capital outlay.

ARTICLE IV

Section 1. Notwithstanding any specific allocation of such funds as contained in HB 5, Acts of the 60th Legislature, 1st C.S., 1968, upon written authorization of the Attorney General, the State Comptroller of Public Accounts is hereby directed to transfer any unencumbered balances remaining in Item 13 of the appropriation to the Attorney General's Office for the fiscal year ending August 31, 1969, not to exceed the sum of \$70,561.67, to the appropriation to the Attorney General's Office for the fiscal year ending August 31, 1971.

Sec. 2. Notwithstanding any specific allocation of such funds and the appropriation of such funds as contained in HB 2, Acts of the 61st Legislature, 2nd C.S., 1969, upon written authorization of the Attorney General, the State Comptroller of Public Accounts is hereby directed to transfer any unencum-

bered balances in the appropriation to the Attorney General contained in Item 12 of the appropriation for the fiscal year ending August 31, 1970, not to exceed the sum of \$50,427.47, to the appropriation to the Attorney General's Office for the fiscal year ending August 31, 1971.

Sec. 3. The moneys authorized to be transferred by Sections 1 and 2 of this Article are hereby appropriated to the Attorney General's Office for the fiscal year ending August 31, 1971, to be expended for the necessary salaries, wages, traveling and operating expenses, including professional services involved in performing the legal responsibilities of the Attorney General's Office.

ARTICLE V

Section 1. Notwithstanding any specific allocation of such funds and the appropriation of such funds as contained in House Bill No. 2, Acts of the 61st Legislature, 2nd Called Session, 1969, upon written authorization of the Executive Director of the Industrial Accident Board, the State Comptroller of Public Accounts is hereby directed to transfer any unencumbered balances in the appropriation to the Industrial Accident Board contained in Item 7 of the appropriation for the fiscal year ending August 31, 1971, to Item 9 of the appropriation made to the Industrial Accident Board for the fiscal year ending August 31, 1971, not to exceed the sum of \$21,706.

Section 2. Notwithstanding any specific allocation of such funds and the appropriation of such funds as contained in House Bill No. 2, Acts of the 61st Legislature, 2nd Called Session, 1969, upon written authorization of the Executive Director of the Industrial Accident Board, the State Comptroller of Public Accounts is hereby directed to transfer any unexpended balances remaining in the appropriation to the Industrial Accident Board contained in Item 5 of the appropriation for the fiscal year ending August 31, 1970 to Item 9 for the fiscal year ending August 31, 1971.

Section 3. Notwithstanding any specific allocation of such funds as contained in House Bill No. 5, Acts of the 60th Legislature, 1st Called Session, 1968, upon written authorization of the Executive Director of the Industrial Accident Board, the State Comptroller of Public Accounts is hereby directed to transfer any unencumbered balances remaining in Item 5 of the appropriation to the Industrial Accident Board for the fiscal year ending August 31, 1969, not to exceed the sum of \$20,000 to Item 9 of the appropriation made to the Industrial Accident Board for the fiscal year ending August 31, 1971.

Section 4. The funds authorized to be transferred herein to Item 9 in the appropriation for the fiscal year ending August 31, 1971, shall be expended only for the objects contained in said Item.

ARTICLE VI

Section 1. There is hereby appropriated out of the General Revenue Fund to The University of Texas Medical School at Houston the sum of six million dollars (\$6,000,000) for planning, operations, architects' fees and construction.

Sec. 2. There is hereby appropriated out of the General Revenue Fund

to the Texas Tech University School of Medicine at Lubbock the sum of seven million five hundred thousand dollars (\$7,500,000) for planning, operations, architects' fees and construction.

ARTICLE VII

Notwithstanding any specific allocation of such funds and the appropriation of such funds for the fiscal year ending August 31, 1971, as contained in House Bill No. 2, 61st Legislature, 2nd Called Session, 1969, upon written authorization of the Coordinating Board, Texas College and University System, the State Comptroller is hereby directed to transfer any unencumbered balances in any of the line-item appropriations of State Aid to Texas Public Junior Colleges, including the "Contingency Appropriation", to any qualifying junior colleges where such funds are needed to fully fund at the rate of \$575 for each full-time student equivalent enrolled as of the twelfth class day of the Fall semester of 1969 in excess of the full-time student equivalent enrollment as of the twelfth class day of the Fall semester of 1968 as such qualifying junior colleges. The unencumbered balances transferred in accordance with the above provisions shall not exceed \$459,174.00.

ARTICLE VIII

Notwithstanding any other provision of House Bill 2, Acts of the Sixty-first Legislature, Second Called Session, 1969, no warrant for any purpose in excess of Twenty-five Thousand Dollars (\$25,000) shall be disbursed through the State Treasury without the prior written approval of the Governor.

ARTICLE IX

If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

ARTICLE X

The necessity for these appropriations, reappropriations and transfers, and the crowded condition of the Calendars in both Houses of the Legislature, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

ARTICLE XI

The necessity for these appropriations creates an emergency and an imperative public necessity that the Constitutional Rule requiring the certification of appropriation bills by the Comptroller of Public Accounts be suspended; and said Rule is hereby suspended; and it is so enacted.

Mr. Adams moved that Committee Amendment No. 1 to HB 213 be considered Article by Article.

The motion prevailed without objection.

The House proceeded to the consideration of Article I of Committee Amendment No. 1.

There being no amendments to Article I, the House proceeded to the consideration of Article II.

Representative Lovell entered the House and was announced present.

LEAVE OF ABSENCE GRANTED

Mr. Slider was granted leave of absence, temporarily for today, on account of important business on motion of Mr. Clayton.

HB 213—(Consideration continued)

There being no amendments to Article II of Committee Amendment No. 1 to HB 213, the House proceeded to the consideration of Article III.

There being no amendments to Article III, the House proceeded to the consideration of Article IV.

Mr. Doran offered the following amendment to Article IV of Committee Amendment No. 1 to HB 213:

Amend Committee Amendment No. 1 to HB 213 by striking Article IV and renumbering subsequent Sections appropriately.

(Mr. Jungmichel in the Chair)

Representative Slider entered the House and was announced present.

(Speaker in the Chair)

HB 213—(Consideration continued)

Mr. Heatly moved to table the amendment by Mr. Doran.

A record vote was requested.

The motion to table the amendment by Mr. Doran prevailed by the following vote:

Yeas—94

Adams	Bass, T.	Boyle	Bynum
Allen, Joe	Beckham	Braecklein	Carrillo
Atwell	Bigham	Braun	Clark
Baker	Blanton	Burgess	Clayton

Cobb	Hubenak	Moreno	Santiesteban
Daniel	Hull	Murray	Schulle
Davis, D.	Ingram	Nelms	Shannon
Denton	Johnson	Neugent, D.	Sherman
Farenthold	Jones, D.	Newton	Slack
Finnell	Jones, G.	Nichols	Slider
Foreman	Jungmichel	Niland	Solomon
Gammage	Kaster	Nugent, J.	Stroud
Golman	Kost	Orr	Swanson
Graves	Kubiak	Parker, C.	Tarbox
Hale	Lewis	Parker, W.	Truan
Hannah, John	Ligarde	Patterson	Tupper
Harris	Lombardino	Pickens	Vale
Hawn	Longoria	Poerner	Ward
Haynes	McAlister	Presnal	Wayne
Heatly	McKissack	Rodriguez	Wieting
Hendricks	Moncrief	Rosson	Williams
Illiard	Moore, A.	Salem	Wolff
Holmes, T.	Moore, G.	Salter	
Holmes, Z.	Moore, T.	Sanchez	

Nays—54

Agnich	Cole	Harding	Reed
Allen, John	Craddick	Hawkins	Semos
Allred	Cruz	Head	Short
Angly	Davis, H.	Howard	Silber
Atwood	Doran	Jones, E.	Simmons
Bass, B.	Doyle	Kilpatrick	Spurlock
Blythe	Dramberger	Lee	Stewart
Bowers	Earthman	Lemmon	Traeger
Caldwell	Finck	Lovell	Uher
Calhoun	Finney	Mengden	Von Dohlen
Cates	Floyd	Nabers	Williamson
Cavness	Garcia	Ogg	Wyatt
Christian	Grant	Poff	
Coats	Hanna, Joe	Price	

Absent

Smith

There being no other amendments to Article IV, the House proceeded to the consideration of Article V.

There being no amendments to Article V, the House proceeded to the consideration of Article VI.

Mr. Howard offered the following amendment to Article VI of Committee Amendment No. 1 to HB 213:

Amend Committee Amendment No. 1 to HB 213 by deleting Article VI and renumbering the following Articles accordingly.

Mr. Heatly moved to table the above amendment.

A record vote was requested.

The motion to table the amendment by Mr. Howard prevailed by the following vote:

Yeas—106

Allen, Joe	Foreman	Lemmon	Rosson
Atwell	Gammage	Ligarde	Salem
Baker	Golman	Lombardino	Salter
Bass, T.	Graves	Longoria	Sanchez
Beckham	Hale	Lovell	Santiesteban
Bigham	Hanna, Joe	McAlister	Shannon
Blanton	Hannah, John	McKissack	Sherman
Blythe	Harding	Mengden	Short
Braecklein	Harris	Moncrief	Silber
Braun	Hawkins	Moore, A.	Simmons
Burgess	Hawn	Moore, G.	Slack
Caldwell	Haynes	Moore, T.	Slider
Carrillo	Heatly	Moreno	Solomon
Clark	Hendricks	Murray	Swanson
Clayton	Hilliard	Nelms	Tarbox
Coats	Holmes, T.	Neugent, D.	Traeger
Cobb	Holmes, Z.	Nichols	Truan
Craddick	Hubenak	Niland	Vale
Cruz	Hull	Nugent, J.	Von Dohlen
Daniel	Johnson	Ogg	Ward
Davis, D.	Jones, D.	Parker, C.	Wayne
Davis, H.	Jones, E.	Parker, W.	Wieting
Denton	Jones, G.	Pickens	Williams
Doyle	Jungmichel	Poerner	Wolff
Dramberger	Kilpatrick	Presnal	Wyatt
Farenthold	Kost	Reed	
Finnell	Kubiak	Rodriguez	

Nays—41

Adams	Cavness	Howard	Schulle
Agnich	Christian	Ingram	Semos
Allred	Cole	Kaster	Spuriack
Angly	Doran	Lee	Stewart
Atwood	Earthman	Lewis	Stroud
Bass, B.	Finck	Nabers	Tupper
Bowers	Finney	Newton	Uher
Boyle	Floyd	Orr	Williamson
Bynum	Garcia	Patterson	
Calhoun	Grant	Poff	
Cates	Head	Price	

Absent

Allen, John	Smith
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There being no other amendments to Article VI, the House proceeded to the consideration of Article VII.

Mr. Sherman offered the following amendment to Article VII of Committee Amendment No. 1 to HB 213:

Amend Committee Amendment No. 1 to HB 213 in Article VII, page 5, line 12, Second Printing, by deleting the word "as" between the figure "1968" and the word "such" and substituting therefor the word "at".

The amendment was adopted without objection.

There being no other amendments to Article VII, the House proceeded to the consideration of Article VIII.

Mr. Heatly offered the following amendment to Article VIII of Committee Amendment No. 1 to HB 213:

Amend the Committee Amendment to HB 213 by striking out Article VIII and renumbering the succeeding Articles as necessary.

The amendment was adopted.

There were no amendments offered to the remaining Articles of Committee Amendment No. 1.

Mr. Cole offered the following amendment to Committee Amendment No. 1 to HB 213:

Amend Second Printing of HB 213 by adding a new Article:

ARTICLE

Section 1. Notwithstanding any specific allocation of such funds as contained in HB 2 of the 61st Legislature, 2nd CS, 1969, the Comptroller of Public Accounts is hereby directed to transfer any unencumbered balances remaining in any General Revenue "Line Item" amount found in HB 2 to the General Revenue.

Mr. Heatly moved to table the above amendment.

The motion to table the amendment by Mr. Cole prevailed.

Mr. Adams moved to vote on Committee Amendment No. 1 to HB 213 Article by Article.

The motion prevailed without objection.

Article I of Committee Amendment No. 1 was adopted by the following vote:

Yeas—135

Adams	Bass, T.	Bynum	Clayton
Allen, Joe	Beckham	Caldwell	Coats
Allen, John	Bigham	Calhoun	Cobb
Angly	Blanton	Carrillo	Cole
Atwell	Boyle	Cates	Cruz
Atwood	Braecklein	Cavness	Daniel
Baker	Braun	Christian	Davis, D.
Bass, B.	Burgess	Clark	Davis, H.

Denton	Holmes, T.	Murray	Shannon
Doran	Holmes, Z.	Nabers	Sherman
Doyle	Howard	Nelms	Short
Dramberger	Hubenak	Neugent, D.	Silber
Farenthold	Hull	Newton	Simmons
Finck	Ingram	Nichols	Slack
Finnell	Johnson	Niland	Slider
Finney	Jones, D.	Nugent, J.	Solomon
Floyd	Jones, G.	Ogg	Spurlock
Foreman	Jungmichel	Orr	Stewart
Gammage	Kilpatrick	Parker, C.	Stroud
Garcia	Kost	Parker, W.	Swanson
Golman	Kubiak	Pickens	Tarbox
Grant	Lemmon	Poerner	Traeger
Graves	Lewis	Poff	Truan
Hale	Ligarde	Presnal	Tupper
Hanna, Joe	Lombardino	Price	Uher
Hannah, John	Longoria	Reed	Vale
Harding	Lovell	Rodriguez	Von Dohlen
Harris	McAlister	Rosson	Ward
Hawkins	McKissack	Salem	Wayne
Hawn	Moncrief	Salter	Wieting
Haynes	Moore, A.	Sanchez	Williams
Heatly	Moore, G.	Santiesteban	Wolff
Hendricks	Moore, T.	Schulle	Wyatt
Hilliard	Moreno	Semos	

Nays—13

Agnich	Craddick	Kaster	Williamson
Allred	Earthman	Lee	
Blythe	Head	Mengden	
Bowers	Jones, E.	Patterson	

Absent

Smith

Articles II and III of Committee Amendment No. 1 were adopted.

A record vote was requested on the adoption of Article IV.

Article IV to Committee Amendment No. 1 was adopted by the following vote:

Yeas—79

Allen, Joe	Clark	Gammage	Hilliard
Atwell	Clayton	Golman	Holmes, T.
Baker	Cobb	Hale	Hubenak
Blanton	Daniel	Hanna, Joe	Hull
Braecklein	Davis, D.	Hannah, John	Johnson
Braun	Doyle	Harris	Jones, D.
Burgess	Dramberger	Hawkins	Jones, G.
Bynum	Farenthold	Hawn	Jungmichel
Caldwell	Finnell	Haynes	Kost
Carrillo	Foreman	Heatly	Ligarde

Lombardino	Nichols	Salter	Swanson
Longoria	Niland	Sanchez	Tarbox
McAlister	Nugent, J.	Santiesteban	Truan
McKissack	Parker, C.	Schulle	Vale
Moncrief	Parker, W.	Shannon	Ward
Moore, A.	Pickens	Sherman	Wayne
Moore, G.	Presnal	Short	Wieting
Murray	Rodriguez	Slack	Williams
Nelms	Rosson	Slider	Wolff
Neugent, D.	Salem	Solomon	

Nays—69

Adams	Cole	Ingram	Poff
Agnich	Craddick	Jones, E.	Price
Allen, John	Cruz	Kaster	Reed
Allred	Davis, H.	Kilpatrick	Semos
Angly	Denton	Kubiak	Silber
Atwood	Doran	Lee	Simmons
Bass, B.	Earthman	Lemmon	Spurlock
Bass, T.	Finck	Lewis	Stewart
Beckham	Finney	Lovell	Stroud
Bigham	Floyd	Mengden	Traeger
Blythe	Garcia	Moore, T.	Tupper
Bowers	Grant	Moreno	Uher
Boyle	Graves	Nabers	Von Dohlen
Calhoun	Harding	Newton	Williamson
Cates	Head	Ogg	Wyatt
Cavness	Hendricks	Orr	
Christian	Holmes, Z.	Patterson	
Coats	Howard	Poerner	

Absent

Smith

Articles V and VI to Committee Amendment No. 1. were adopted.

VOTES RECORDED

Representatives Nabers, Adams, Tupper and Patterson requested to be recorded as voting Nay on Article VI.

HB 213—(Consideration continued)

Article VII to Committee Amendment No. 1 was adopted.

VOTES RECORDED

Representatives Nabers, Adams and Patterson requested to be recorded as voting Nay on Article VII.

HB 213—(Consideration continued)

Mr. Adams moved to dispense with the voting on Committee Amendment No. 1 Article by Article.

The motion prevailed.

VOTES RECORDED

Representatives Nabers and Adams requested to be recorded as voting Nay on Article XI.

HB 213—(Consideration continued)

Committee Amendment No. 1, as amended, was adopted.

A record vote was requested on the passage to engrossment of HB 213.

HB 213, as amended, was passed to engrossment by the following vote:

Yeas—123

Allen, Joe	Finck	Lemmon	Salem
Atwell	Finnell	Lewis	Salter
Baker	Floyd	Ligarde	Sanchez
Bass, B.	Foreman	Lombardino	Santiesteban
Bass, T.	Gammage	Longoria	Schulle
Beckham	Golman	Lovell	Semos
Bigham	Grant	McAlister	Shannon
Blanton	Graves	McKissack	Sherman
Boyle	Hale	Moncrief	Short
Braecklein	Hanna, Joe	Moore, A.	Silber
Braun	Hannah, John	Moore, G.	Simmons
Burgess	Harding	Moore, T.	Slack
Bynum	Harris	Moreno	Slider
Caldwell	Hawkins	Murray	Smith
Carrillo	Hawn	Nabers	Solomon
Cates	Haynes	Nelms	Spurlock
Cavness	Heatly	Neugent, D.	Stewart
Clark	Hendricks	Nichols	Stroud
Clayton	Hilliard	Niland	Swanson
Coats	Holmes, T.	Nugent, J.	Tarbox
Cobb	Holmes, Z.	Ogg	Traeger
Cole	Howard	Orr	Truan
Cruz	Hubenak	Parker, C.	Tupper
Daniel	Hull	Parker, W.	Vale
Davis, D.	Ingram	Pickens	Von Dohlen
Davis, H.	Johnson	Poerner	Wayne
Denton	Jones, D.	Presnal	Wieting
Doran	Jones, G.	Price	Williams
Doyle	Jungmichel	Reed	Wolff
Dramberger	Kilpatrick	Rodriguez	Wyatt
Farenthold	Kost	Rosson	

Nays—26

Adams	Bowers	Head	Patterson
Agnich	Calhoun	Jones, E.	Poff
Allen, John	Christian	Kaster	Uher
Allred	Craddick	Kubiak	Ward
Angly	Earthman	Lee	Williamson
Atwood	Finney	Mengden	
Blythe	Garcia	Newton	

HB 213 ON THIRD READING

Mr. Heatly moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 213 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Adams	Dramberger	Lemmon	Sanchez
Allen, Joe	Farenthold	Lewis	Santiesteban
Allen, John	Finnell	Ligarde	Schulle
Atwell	Finney	Lombardino	Semos
Baker	Foreman	Longoria	Shannon
Bass, T.	Gammage	Lovell	Sherman
Beckham	Golman	McAlister	Short
Bigham	Grant	McKissack	Silber
Blanton	Hale	Moncrief	Simmons
Boyle	Hanna, Joe	Moore, A.	Slack
Braecklein	Hannah, John	Moore, G.	Slider
Braun	Harding	Moore, T.	Smith
Burgess	Harris	Moreno	Solomon
Bynum	Hawkins	Murray	Spurlock
Caldwell	Hawn	Nabers	Stroud
Calhoun	Haynes	Nelms	Swanson
Carrillo	Heatly	Neugent, D.	Tarbox
Cates	Hendricks	Nichols	Traeger
Cavness	Hilliard	Niland	Truan
Clark	Holmes, T.	Orr	Tupper
Clayton	Holmes, Z.	Parker, C.	Vale
Coats	Howard	Parker, W.	Von Dohlen
Cobb	Hubenak	Pickens	Ward
Cole	Hull	Poerner	Wayne
Cruz	Ingram	Poff	Wieting
Daniel	Johnson	Presnal	Williams
Davis, D.	Jones, D.	Reed	Wolff
Davis, H.	Jungmichel	Rodriguez	Wyatt
Denton	Kilpatrick	Rosson	
Doran	Kost	Salem	
Doyle	Kubiak	Salter	

Nays—27

Agnich	Craddick	Jones, E.	Ogg
Allred	Earthman	Jones, G.	Patterson
Angly	Finck	Kaster	Price
Atwood	Floyd	Lee	Stewart
Blythe	Garcia	Mengden	Uher
Bowers	Graves	Newton	Williamson
Christian	Head	Nugent, J.	

Absent

Bass, B.

The Speaker then laid HB 213 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—112

Allen, Joe	Finck	Lemmon	Salter
Atwell	Finnell	Lewis	Sanchez
Baker	Foreman	Ligarde	Santiesteban
Bass, B.	Gammage	Lombardino	Schulle
Bass, T.	Golman	Longoria	Semos
Beckham	Grant	Lovell	Shannon
Bigham	Graves	McAlister	Sherman
Blanton	Hale	McKissack	Short
Boyle	Hannah, John	Moncrief	Silber
Braecklein	Harding	Moore, A.	Simmons
Braun	Harris	Moore, G.	Slack
Burgess	Hawkins	Moore, T.	Slider
Bynum	Hawn	Moreno	Smith
Caldwell	Haynes	Murray	Solomon
Carrillo	Heatly	Nabers	Spurlock
Cates	Hendricks	Nelms	Stewart
Cavness	Hilliard	Neugent, D.	Stroud
Clark	Holmes, T.	Nichols	Swanson
Cobb	Holmes, Z.	Niland	Tarbox
Cole	Howard	Orr	Traeger
Cruz	Hubenak	Parker, C.	Truan
Daniel	Hull	Pickens	Tupper
Davis, D.	Ingram	Poerner	Vale
Davis, H.	Johnson	Presnal	Von Dohlen
Denton	Jones, D.	Reed	Wieting
Doyle	Jungmichel	Rodriguez	Williams
Dramberger	Kilpatrick	Rosson	Wolff
Farenthold	Kost	Salem	Wyatt

Nays—37

Adams	Clayton	Jones, E.	Patterson
Agnich	Coats	Jones, G.	Poff
Allen, John	Craddick	Kaster	Price
Allred	Doran	Kubiak	Uher
Angly	Earthman	Lee	Ward
Atwood	Finney	Mengden	Wayne
Blythe	Floyd	Newton	Williamson
Bowers	Garcia	Nugent, J.	
Calhoun	Hanna, Joe	Ogg	
Christian	Head	Parker, W.	

The Speaker stated that HB 213 was passed subject to the provisions of Article III, Section 49A, of the Constitution of Texas.

REASON FOR VOTE

I am opposed to deficit spending. However, I am voting for this emergency appropriation to prevent cuts in Old Age Assistance checks as I feel that their payments should not be cut.

Signed: Nabers

REASON FOR VOTE

I oppose HB 213 because this bill is going to require deficit spending, and I do not believe in deficit spending.

I do not want to have to go back to the days before the pay-as-you-go amendment when the state employees and those receiving state aid had to discount their paychecks up to 25 percent in order to buy groceries for their families.

Signed: Walter Mengden

ADJOURNMENT

Mr. Sherman moved that the House adjourn until 9:30 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 2:04 p.m., adjourned until 9:30 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Elections: SB 110.

Engrossed and Enrolled Bills: Correctly engrossed—HCR 23, HCR 24, HB 43. Correctly enrolled—HCR 18, HCR 19, HCR 21.

Revenue and Taxation: SB 1.

FIFTEENTH DAY—THURSDAY, FEBRUARY 4, 1971

The House met at 9:30 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Bass, T.	Caldwell	Craddick
Adams	Beckham	Calhoun	Cruz
Agnich	Bigham	Carrillo	Daniel
Allen, Joe	Blanton	Cates	Davis, D.
Allen, John	Blythe	Cavness	Denton
Allred	Bowers	Christian	Doyle
Angly	Boyle	Clark	Dramberger
Atwell	Braecklein	Clayton	Earthman
Atwood	Braun	Coats	Farenthold
Baker	Burgess	Cobb	Finck
Bass, B.	Bynum	Cole	Finnell